general proposition, about the silence of Congress being equivalent to an Act of Congress. It is to be hoped that the Australian Court will consult the things that make for its peace in not trying to follow our court too closely into the hopeless mazes on this subject in which it is still struggling. Let the new tribunal, rather, at once recognize that it is mainly for the Federal legislature and not the courts to draw the line between what the States may and may not do in the dim region that connects the local power of legislation with the Federal power of regulating interstate and foreign commerce; and that in the main, so far as the Federal Courts are concerned, the States must be allowed to go on as before in regulating their own internal affairs. The true line there has been suggested in some opinions of Kent, and of Taney, Curtis, and Gray, — rather than in many of the best known and oftenest quoted decisions of the Supreme Court, which on some fundamental matters has still to find sure footing.

There are many interesting points about this great new instrument in Australia which one would like to touch on, but space and time fail. Let us refer only to a radical difference between the Australian constitution and ours, not overlooked by Judge Clark, namely, that we ground ours on the authority of our own people, while theirs, in a legal sense, rests ultimately on an Act of the Imperial Parliament. In both cases the power that made can unmake. In the case of Australia an Act of the Imperial Parliament which repealed this "Constitutional Act," would be in the strictest sense a legal proceeding; "unconstitutional but legal," as they say in England. J. B. T.

SELECT PLEAS OF THE FOREST. Edited by G. J. Turner. Publications of the Selden Society, vol. 13. London: Bernard Quaritch. 1901. pp. cxxxix, 192. 4to.

One cannot examine this book without perceiving clearly why the extension of the royal forests contributed to the downfall of John, and why the revival of ancient forest rights contributed to the downfall of Charles the First. The book is indeed of vast interest both to students of English constitutional history and to persons in search of vivid presentations of mediæval society.

Heretofore Manwood's Laws of the Forest and Coke's Fourth Institute, chapter 73, have been the chief authorities upon the subject; but those old volumes cannot compete with this new one for the esteem of the reader who wishes to gain a lively conception of what the forest law actually was and what the forest courts actually did and what a man's life in the forest actually involved. It is one thing to be told by a treatise that the king had in ancient times the prerogative of declaring any part of the realm a forest, that in this forest game could not be disturbed by any one without the king's license, that in this forest the trees and the undergrowth had to be left undisturbed as homes for the game, that in this forest houses could not be built, that these regulations limited the rights of the persons nominally owning the land, and that all these regulations, and many more, were administered by courts composed of appointees of the crown, acting with severity in accordance with the interest of the appointing power; and it is quite another thing to read the memorials of the actual transactions of the forest authorities, containing small but dramatic pictures of the excitements of life in the precincts where every man was a poacher either *in esse* or *in posse* and was treated accordingly, where no man had the normal rights to use his own land as he wished, and where the possession of a bow or of fresh meat or of a stick of wood was an embarrassing piece of circumstantial evidence.

The extracts in this volume extend from 1209 to 1334, thus embracing the time of the Great Charter of 1215 and the Charter of the Forest of 1217. Upon almost every page may be found matter of lively interest; but the reader who is in too great haste to read the whole may be grateful for references to pages 2, 3, 9, 10, 14, 15, 18, 19, 21, 28, 84, 92, 94, 99–102, 110 and 119–121.

The Introduction, entitled The Forests in the Thirteenth Century, treats of: I. The Forest and the Beasts of the Forest; II. The Forest Officers;

III. The Lesser Courts of the Forest; IV. The Forest Eyre; V. The Regard; VI. The Clergy; VII. The Extent of the Forests; VIII. The Chase, the Park, and the Warren. The Introduction corrects errors found in Manwood's Laws of the Forest, and furnishes exactly the apparatus needed for intelligent examination of the extracts. It distinctly recognizes that the readers for whom the Selden Society's volumes are prepared wish to examine the documents for themselves and do not need to be told in the Introduction what they are to find in the documents. The work of the editor has included the preparation of an extremely useful Glossary. E. W.

A TREATISE ON FEDERAL PRACTICE, including practice in bankruptcy, admiralty, patent cases, foreclosure of railway mortgages, suits upon claims against the United States, equity pleading and practice, receivers and injunctions in the state courts. By Roger Foster. Third edition. Revised and enlarged. 2 vols. Chicago: Callaghan & Co. 1901. pp. clxxxv, 799, xi, 855. 8vo.

Practitioners will welcome a new edition of this useful text-book. The first edition, published in 1890, became inadequate almost immediately because of the passage in 1891 of the Evarts Act, creating the Circuit Courts of Appeals. A second edition was, therefore, issued in 1892. As the Judiciary Act of 1887, affecting the jurisdiction of the Circuit Courts, had then been in force but five years and the Evarts Act had been in force less than a year, many questions in regard to the construction of both acts, but especially the latter, had not been answered by the courts. During the past nine years much that was unsettled in 1892 has become clear, and the second edition had for some time been wholly inadequate. The new edition seems to have been carefully prepared. About two hundred pages have been added to the text, and the table of cases records nearly double the citations of the former edition. The subject of practice in bankruptcy is dealt with for the first time in this edition; the first chapter, which deals with the important subject of jurisdiction, — a subject especially affected by the recent statutes — has been expanded to about three times its former size, and large additions as well as judicious condensation are to be found in most of the chapters of the book. It is likely to add to its reputation as the best text-book on the subject with which it deals. S. W.

A TREATISE ON THE RIGHTS AND PRIVILEGES GUARANTEED BY THE FOURTEENTH AMENDMENT TO THE CONSTITUTION OF THE UNITED STATES. By Henry Brannon. Cincinnati: W. H. Anderson and Co. 1901. pp. ix, 562. 8vo.

The purpose of the present work is to treat only the more important sections of the Fourteenth Amendment, that is, the first and the fifth. The author takes up the different rights and privileges which are conferred and attempts to show how the courts, in applying the very broad words of the amendment to the facts in different cases, have defined these rights, and what have been considered as within the letter or spirit of the provisions. In spite of the fact that the work is called by its author a "treatise," it is in reality little more than a compilation of decisions. There is almost no discussion of the underlying principles except such as is found in quotations from the opinions of the judges. The professed aim of the book is to present and make accessible materials for a study of the subject rather than to give a thorough analysis of the cases and of the different arguments. Naturally when such a method is adopted, there is little in the result to interest the student or the reader and it will be useful only to one searching for authorities. Such a treatment cannot be other than disappointing in view of the fact that the multitude of cases which have arisen and are constantly coming before the courts create a demand for a treatise in fact — a thorough and discriminating study of the limitations that have been made and of the reasons which have influenced the courts in arriving at their decisions.